

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 4, 2015 at 7:00 p.m., with the following members present:

	Rudy Wright	
Brad Lail		Hank Guess
Bruce Meisner	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: Assistant City Manager Rodney Miller, Assistant City Manager Andrea Surratt, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, and City Clerk Debbie D. Miller

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Rev. Bob Thompson, Pastor, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Christine Winn– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Christine Winn addressed City Council regarding the construction of the housing units in the 4th Street business district. She advised that a properties location is critical in the determination of its value. Consistent and conforming land and building uses create compatible neighborhoods that support and hopefully increase value over time. Adding a high density residential complex to an established and growing business district is not a compatible use and the long term effect is to devalue the existing businesses in the area. She stated that the overall effect will make the 4th Street housing project less attractive to investors in the future and more difficult for HUD to sell to a private investor as HUD has indicated is their desire and intent. She stated that this project has the potential to revitalize an area and add growth, but needs to border an existing residential location. Location is key but 4th Street is not the appropriate location. She advised that HUD had not been upfront with them in spite of their efforts to establish a level of trust. They had supplied them with several sites in good faith, some suitable some not, but according to the notes received from Bradley Newton at least two of the other sites are viable and are being considered. One of these sites is said to be under contract. They were told if they brought suitable sites to HUD for consideration that they would not exercise the option on 4th Street. They were told last week that in consideration of safety concerns that they, and the tenants had raised, that the number of units was being reduced to 28. They are now being told that was false. They cannot keep providing alternatives to HUD if they refuse to keep their word or put anything in writing. At least one of the sites that was refused was due to proximity of traffic on Highway 70. If that is the case, why is 4th Street still being considered for the same reason? They were told that the property must be vacant, and cannot have had a dwelling on it, even if the dwelling was removed it would not qualify. She stated that the 4th Street property had previously had a dwelling on it. She advised that she is a HUD approved appraiser and she knows from working with HUD that health, safety and security are key requirements focused on to protect the residents of their properties. She asked if HUD would open itself up to liability if a child is injured or killed on the highways especially after this concern was raised. She also asked if the City would open itself up to a potential lawsuit for the same reason. Ms. Winn had a map of crime statistics for the Hickory proper area. She noted that 4th Street is a very quiet area with almost no crime reported since January of 2015. Based on the map provided she asked what assurances that the City could provide the residents on 4th Street that this project will not negatively impact the crime rate on their street. She commented that HUD is now seeking adjoining property owned by the City. In an effort to increase the project, they employed City Council to deny an option on this property to HUD. They understand that the City needs to support HUD and their tenants, however the City must also show support for established businesses in the area and help protect local business interest by protecting their property values. The best way to do this is to appoint additional representation to the HUD Board including active tenant representation. The members of 4th Street still feel that a reduction from 60 to 28 units is an acceptable density and they further suggested that restriction of the units to 55 years and older would help reduce potential injury to children. They should use other safer sites provided for family occupancy. They asked for Council's support in helping guide the directors of HUD to do what was best for HUD, the community, and their tenants.

Mayor Wright advised Ms. Winn to leave the maps with the City Clerk.

- B. Dr. Delores Hammer – Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Dr. Delores Hammer updated Council on Hickory Housing Authority. On April 30th, 4th Street, met with Alanda Richardson, Helen Jones, and Bradley Newton of the Hickory Housing Authority and also a police officer. The 4th Street group consisted of Kim Clarke,

Bill Mixon, Paul Gadd, and Crystal Rogers. She advised at that time Ms. Richardson offered to withdraw 4th Street property if they found her a suitable property to build. The key word “a” property not “several” properties. They delivered her 12 plus properties over the next several weeks. They would not have offered these properties without this incentive. She advised Council that they requested the pros and cons of the properties delivered so they could continue to improve and find properties that were suitable for them. Mr. Bradley Newton offered to give them these pros and cons but advised that he had to check with Ms. Richardson. After calling Ms. Richardson she refused to give them the details and advised them that it was an internal matter. They learned from the Hickory Daily Record on July 17th that not only was Ms. Richardson keeping the 4th Street property she had also put an option on one of the properties that they had gave her. The second property being located behind CommScope property. Dr. Hammer stated that she would refer to this parcel as “CommScope” property. She questioned where the ethics, honesty and trust were? On July 23rd they met with Hickory Housing Authority at their monthly meeting. The group pointed out their disappointment in them having an option on a property that they presented, but still they had an option on 4th Street. Dr. Sidney Myles, Chairman advised that he did not know where they were getting the idea if they gave them the property that they would abandon 4th Street. Dr. Hammer advised Dr. Myles from Ms. Richardson, which, Ms. Richardson denied it. She questioned why they were providing them with these other properties. They were not receiving commissions and had not asked for commissions. They advised the Commissioners that they were denied the pros and cons of the properties. Dr. Myles advised them that they were welcome to have them and they were offered to them on July 29th. They picked them up and it appears that they are looking at other properties that they had offered them. She advised that it took Dr. Myles to give them access to these properties that they had offered. They do not understand why they could not receive these pros and cons before this. It was to their advantage because they are finding larger tracts, lower densities and lower prices per acre. On July 27th Ms. Richardson called Ms. Kim Clarke, Mr. Paul Gadd, and Dr. Delores Hammer and advised each of them that the project on 4th Street would now only be two storeys, not three, and 28 units down from 60. They are going to build 30 units on the CommScope property and wanted two more properties to abandon 4th Street. They sent a letter to Dr. Myles and requested his signature for their assurances. Dr. Myles responded that he was not aware of going from 60 units to 28. He was not aware of offering two properties and getting off of 4th Street. Dr. Hammer questioned what was happening over there? She questioned who was “running the show”. She thought that the Board was the boss not Ms. Richardson. She advised that there is no communications, these are just more tricks. The level of dishonesty coming out of Hickory Housing is high. Their level of mistrust is very high. If Ms. Richardson is not going to be honest with them, is she honest with Council, tenants, employees, and HUD out of Greensboro who investigated her three years ago? Dr. Hammer advised that they need Commissioners who are willing to ask hard questions and get to the real honest answers. The tenants, and employees are desperate. They need Council’s help. They need board members who are willing to work.

C. Kim Clarke– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Kim Clarke advised Council that she had appeared previously on May 19th and requested that Council appoint four additional Commissioners to the Housing Authority as permitted by law. She noted that Council had not increased the number of Commissioners. She also advised that during the Mayor’s tenure he had made appointments to the Housing Authority Board of Commissioners 22 times, but only twice had he appointed women. Those two were tenant representatives who do not have full voting privileges on that board. She advised for many years there had been a female executive director of the Housing Authority and she is surrounded by male Commissioners. Last month, with the retirement of Clement Geitner the Mayor had the opportunity to appoint a female Commissioner but he appointed yet another male. She voiced her concern that the female population does not have adequate representation on the Housing Authority Board of Commissioners. She specifically requested Council appoint at least one African-American female and one Caucasian female to the Housing Authority among the addition four appointments that she requested Council to make. She advised Council that she would like to be appointed to the Hickory Public Housing Authority Board of Commissioners. Ms. Clarke advised that she is a white female, and an attorney with over 30 years’ experience and licensed to practice law in two states. Her specialty being real property law and she was certified as a specialist in real property, residential, industrial and commercial transactions. She advised that she had been active in managing rental property for 15 years. She felt she was well qualified to contribute to the Housing Authority Board. She advised that she was a Morehead Scholar, and had served in a volunteer capacity on many boards and organizations. She advised of the numerous positions that she had held with these organizations. She advised that while serving with these organizations that she had never been offered a per diem allowance of \$75 for meals, as are the members of the Housing Authority Board of Commissioners. She had never been offered free meals at all of the meetings that she had attended over the years, as are the Housing Authority Commissioners, and she had never attended conferences at such exotic locations such as Martha’s Vineyard, Las Vegas, Hilton Head, and Louisville, as the

Housing Authority Commissioners are accustomed to having. She advised besides the experience and expertise that she could offer the Housing Authority, she admitted that she would enjoy going to these exciting places and having such a generous meal allowance. If she was appointed to this board she would lobby for training in Hickory, or maybe even suggest that a consultant come to Hickory to conduct training. That way there would be more money to spend on affordable housing and less money spent on meals and travel expenses of the Commissioners. She asked Council to appoint her to this Board.

- D. Paul Gadd– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Prior to the City Council meeting Mr. Paul Gadd advised the City Clerk that he did not wish to speak.

- E. Crystal Rogers– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Crystal Rogers advised she was with Elite Properties, she has been on 4th Street for over ten years. She had restored many of the historic homes along there. She loves the neighborhood and what it has become, and that it is the most beautiful way into Hickory. She advised that she rode up and down 4th Street and counted eight single family residences. Almost all of the houses that are there don't have children. She advised that she counted over 65 business spaces between Highway 70, and Post Office BBQ and the Police Station. No multi-family, no duplexes, not one family with children. This is the area that is being considered for a high density multi-family project into. She advised that it just does not fit. She questioned locating a multi-family high density project in this business corridor. She advised that the tenants don't want to sit on their balcony and see a busy road, and the businesses don't want to see them. She advised if you are conducting business and are meeting with clients you don't want to look across the street and see 30 kids running around. It just doesn't fit. You are going to have these businesses relocating to a more professional atmospheres. You will then have owners of the buildings with empty spaces that they can't use for residential because they are commercial and nobody really wants them now for businesses because it is not a business atmosphere anymore. She sees boarded buildings. She stated that you would see the main entrance into Hickory go from this quaint, quiet, business corridor to boarded buildings. Anytime you come into a business area and change it that will happen. It can't be both. She did not see how this project benefits the tenants or the neighborhood. It will cause a certain decline to the neighborhood as a professional community. She questioned how you would contain 350 people on three acres on a busy road. You would be looking at major fencing that would also hurt the appearance, and not if, but when, and how many casualties when you have 100 plus children and adults crossing a major highway to get to Walmart. She commented that it makes no sense. The only possible reason that you would do this project is because it qualifies for so many tax credits. She knows that HUD is suffering financial from mismanaged funds and funds to be paid back. That is the only possible reason why this project would make sense. It is not a good place to live, and it would be certain decline for neighbors that are already there. She requested Council to help preserve the image of Hickory, the main road coming into Hickory. She commented that anything Council could do to reward entrepreneur's like them who had invested and improved the community and made it a wonderful beautiful place, they should do everything they can to keep it the way it is.

Mayor Wright asked if anyone else wanted to speak on that topic. No one appeared.

- F. Denise Poe – Corridor Reserved for Future Thoroughfare Located on Buckskin Drive, in Gunpowder Pointe.

Ms. Cynthia Denise Poe, 4042 5th Street NW, advised Council that she owned a piece of property in Gunpowder Point off of Grace Chapel Road. She had plans to build on the property, but her circumstances had changed and she was forced to sell. Her husband who was only 56 years old died unexpectedly of a heart-attack and was her sole source of income. She had, and could possibly still have a contract with a buyer on this property, but had to sign a letter of termination and return the earnest money due to a proposed right of way from 1986. They were told that the road would not be built but it prevented the buyer from getting a construction loan. She advised that she and the homeowners of Gunpowder Pointe need to have this outdated proposal removed from their deeds so they can grow and continue a good quality of life in their neighborhood. She requested Council's assistance in resolving this issue by a written request to have this outdated proposal removed. She advised that she had submitted a plat of the property, a petition signed by the homeowners in Gunpowder Pointe, and a packet of information from her realtor.

Mayor Wright advised that Council was in the process of gathering more information on that subject and that he was not prepared to discuss it at that time.

Alderman Lail commented that was the southern by-pass. He commented that project had long since been shelved. Alderman Lail moved that Council do what is necessary to remove that reservation of right of way from those deeds.

Mayor Wright questioned if it had been shelved.

Ms. Poe advised that they bought their property with the understanding that it had been.

Alderman Meisner advised to his knowledge that it had not been shelved.

Mayor Wright commented that he wanted to make sure that Council knows the facts because this is a sensitive matter for citizens. He commented that they were sympathetic to where Ms. Poe is right now. It is not just Council who have an interest and input into this decision. Council could not change that tonight by a motion from the table.

Alderman Lail moved to act to remove that designation, the right of way that the City holds that these property owners have not been compensated for.

Alderman Seaver seconded the motion for further discussion.

Alderman Meisner commented that Council needs further information.

Alderman Guess commented that it would be premature to move when Council does not have all the facts.

Alderman Meisner advised that he and Alderman Lail serve on the MPO, which is the body that plans the transportation for the next 40 years. He advised that Council needs more information. Who are they to say in 40 years what the traffic pattern is going to be. There is no alternative around northwest Hickory. There is no quick way to get to lower Caldwell County. Who knows in 30-40 years, we made need that. This connects I-40 to Highway 321.

Alderman Lail commented that Alderman Meisner did a great job with transportation. He commented that if we need it then we should have it, but it ought to be paid for. If these are on those deeds, to his knowledge, it is right of way that they are not able to do anything with, then Council has an obligation, if it is the City's, to either move forward with the project. At the time that project becomes available, perhaps Council could move to purchase right of way as needed.

Alderwoman Patton requested more information before they had any kind of vote.

Alderman Guess commented that Council needs the facts.

Alderwoman Patton needed clarification.

Alderman Meisner stated that it is a multi-jurisdictional decision. Not only Caldwell County, not only all the members of the MPO, City of Hickory's City Council, Granite Fall's City Council, one can't erase the lines. There are a lot of other lines in the CIP.

Mayor Wright asked for a timeframe of this matter.

Assistant City Manager Andrea Surratt advised that would be handled through the MPO and DOT process.

Mayor Wright advised that the MPO was the Metropolitan Planning Organization. That is a group of the counties and the cities in this area who together determine the traffic pattern and the rights of way needed that extend beyond one municipality and one county.

City Attorney John Crone commented perhaps depending on how Council's vote goes, Council could ask the appropriate Staff member to make a presentation regarding what the MPO is, what the City's role is with it, where this map is, the affected property. So Council could visualize it and have some input as to how it got on the map, how it can get off the map, and what the City's role is, if any, in getting it off the map.

Alderman Guess asked what the ramifications are.

Mayor Wright asked how many in the audience where in attendance for this issue. Three individuals raised their hands.

Ms. Poe advised that she had a petition with 25 names.

Mayor Wright suggested a workshop on it.

Ms. Poe advised that she had spoken with John Marshall with the MPO and he said as long as he had a letter from the City of Hickory and Caldwell County that they would take it and vote on it. He needs letters from the City and Caldwell County to release it.

Mayor Wright advised that Council needs to have an open discussion/workshop to get all the answers that they need to have before Council would decide to vote.

Alderman Lail amended his motion for a workshop. Alderman Seaver seconded the motion.

A citizen in the audience commented that she lives in the development and that would be great. Unless Council does, then nothing is going to be done and they are all under the assumption that it is never going to happen.

Mayor Wright thanked the citizens.

Alderman Meisner advised that 20-30 years ago cities and counties lobbied for the State for road projects. There was a group of cities and counties together that had a greater influence because roads don't go the city limits of Hickory and then stop. You have got a better propensity for getting major projects that go multi-jurisdictional through by having an MPO.

Mr. Crone advised there is a motion and second on the first motion he requested Council to vote on that motion.

Mayor Wright questioned if Alderman Lail could withdraw that.

Mr. Crone commented that there was a second there.

Alderman Seaver stated they both withdrew.

Mr. Crone advised Alderman Lail that he could modify his motion to have the workshop.

Alderman Lail withdrew his motion and substitute motion and moved to have a workshop aimed at understanding the circumstances related to the reservation of rights of way with these citizens and the process, and what the City might, or may not do with regards to keeping those lots so encumbered.

Alderman Seaver seconded the motion and commented that it had been sitting on the shelf since 1988, 27 years ago.

Alderman Meisner commented that there are roads that have sat longer than that one.

Mayor Wright mentioned that there are a lot of those right of ways committed for the 321 bridge. It is just not as simple as it might seem. He commented that there was a motion and a second. He asked for further discussion, there was none. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Lail seconded by Alderman Seaver and the motion carried unanimously.

- G. Mr. Steve Ivester, 910 14th Avenue NW, advised Council that he was pleased with what is happening with the Hickory Airport. He discussed an up-coming event on October 10, in Tullahoma, Tennessee in which AOPA, the largest organization of general aviation in business aviation in the country, has a fly-in. They have always had a national fly-in in Frederick, Maryland. Last year they had four regional fly-ins sponsored by the AOPA. He advised that on October 10th, Tullahoma, Tennessee would be having one of those regional fly-ins. He commented that Hickory Airport would be an ideal place to have a similar fly-in in 2016/2017. He advised that the event on October 10th would be a great opportunity for Council and Staff to witness how these events transpire. He commented that runway 119 could be shut down to park 500 airplanes. A good ramp and three new hangars, one for exhibitors, and two for seminars would be ideal for this kind of event. He advised this would be a good chance for some regional cooperation. He would like the Chambers of the three counties and the Hickory Metro to work together to plan an event of this type that approaches being a national event. He stated there would be approximately 300-500 planes. He advised that he had a Mooney Aircraft and had an event of 40 airplanes at the airport, with no money spent. People will come to this event. He mentioned that Tullahoma has camping and perhaps Morganton and Lenoir could be the camping sites. There are ways to make this a regional Hickory Metro event. He has had an airplane at Hickory, pretty continuously, since 1986. He advised of his upcoming plans for flying his airplane and commented that people do that regularly. General aviation can live in Hickory. We have the Hickory Air Museum, which he feels is under publicized. He advised that when Mr. Abernathy came to Hickory that he commented that he did not understand the region. He works with so many regions and they don't have anything to talk

about, Hickory and Catawba County, and the upper Catawba Valley have so much to talk about, and they don't talk about it. A fly-in like this, whether with the AOPA or some other event, is a chance to talk about it. He encouraged Council to involve Mandy Pitts, the three Chambers of Commerce, and the Hickory Air Museum and other flying organizations in the area and to think seriously about having an event like this at the Hickory Airport. He stated that the airport is looking very good.

Mayor Wright asked Mr. Ivester what a Mooney was.

Mr. Ivester replied that it is a brand of airplane, it is a retractable gear, four place airplane, a "sports car" of an airplane. It goes about 170-180 mph, it is a traveling airplane.

- H. Mr. Frank Simmons, 842 Wynnshire Drive, advised Council that he lives in Wynnshire Ridge off of 29th Avenue NE. The development contains approximately 77 families. When the development was put in it was a nice peaceful area. There was a nice apple orchard located behind the property, which has now been plowed down and burned. The neighbor has put a race track back there for their little cycles. At numerous times different people have called in and reported the problem. Numerous times the police have responded to the problem. They have issued some warnings. He advised that last Saturday night that there was a lot of noise made, and Officer Helton came out and issued some type of warning. The reason behind that the neighborhood feels like that it is against Ordinance 19.1, which is the noise ordinance that the City has in the fact that it does disturb the peace. He commented that he wanted to come to Council to find out which way they need to go and what they need to do and asked Council for their support with this.

Mayor Wright commented that Council needs to find out more about that too.

Mrs. Surratt advised that Staff would talk with Mr. Simmons again and give Council an update.

Mayor Wright asked if anyone else would like to speak. No one appeared.

Mayor Wright discussed the matters expressed regarding the Public Housing Authority. He advised that Council was going to have the Hickory Housing Authority make a presentation. The reason they have not asked for that yet is because Council still does not know what questions to ask. They are working on that part. They know the contact and the direct phone number of the HUD Director for North Carolina out of Greensboro. They plan to have a meeting either in person or by teleconference. The meeting would involve local Hickory Housing Authority Representatives, HUD, City Council and Staff. Unless there is more than a quorum of City Council members it will not be an advertised public meeting. As they have gone through this process, it important for the people to understand, that nationally HUD, without a great deal of publicity, are setting out to change the way public housing services are delivered in this country. It involves substitution of non-profits with government guaranteed rent vouchers that would be issued to tenants of the public housing units. They may be able to take those vouchers and go places other than public housing units. The idea is to disburse public housing rather than have it as it is in most places in the country, centered in certain locations. There is a lot of background to this. He is concerned about some confusion regarding the extent to which the Public Housing Authority is subject to the same public record rules as Hickory City Council. He cannot accept appointing board members to a group that does not have to follow the same public record laws as Council does. That is a concern that he has that has to be fixed for him to become satisfied with the arrangement. As far as the appointments are concerned, they had to make an appointment to fill a spot held by a member who asked not to be reappointed. They don't know if down the road that they want to appoint any members to Hickory Housing Authority or to just have HUD do all the public housing in Hickory. They don't know if they want to appoint more members, or leave it alone. There is a State statute that apparently governs the City's relationship between Hickory Housing and the City. It is a little vague. The City has the authority to appoint board members or terminate board members. Any termination is subject to an appeal process. But there is no guidelines of when the City has the authority to withdraw someone's appointment. Without knowing what direction they are going to go in, he is hesitant to take a position that they want to make a lot of changes in the relationship; which by coincidence happens to be at a time that they are making nationally dramatic changes in public housing. He does not want it to look like there is necessarily any connection with that. Council is trying to figure out what the City's relationship really is between Hickory Housing and HUD. Where it is headed? Other than the same requirements that the City has to meet zoning, and other City ordinances, what other ability and authority does City Council have to influence what Hickory Housing Authority does. He stated that he has shared his frustration of not knowing where we are headed with this. Although public housing involves people of all races, creeds, and color. There is always a little racial overtone to it that makes him very uneasy when he is treading somewhere where he does not know what the outcome is or where the end game is going to be. He stated that he has been very honest about why we are where we are right now.

Alderwoman Patton commented that she just wanted more information. She understood that where HUD was going is not where this proposed site fits in with that picture. She wants more information, workshop, or whatever needs to be done so that all of Council is comfortable with the make-up of the Housing Authority Board that Council appoints. Do they expand it? Whatever happens she wants to feel comfortable in making those decisions.

Mayor Wright commented that he did not realize that he had appointed 22 members.

Ms. Clarke advised a lot of them are reappointments of the same people. The 20th male appointee was last month.

Mayor Wright stated that he did not realize that the gender split was the way it was. He advised that is in the works that two or three Council members along with Staff, Hickory Housing Authority and HUD will be having a teleconference next week and will be getting closer to having the answers that they are seeking.

VI. Approval of Minutes

A. Regular Meeting of July 14, 2015

Alderman Seaver moved, seconded by Alderman Meisner that the Minutes of July 14, 2015 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Meisner and the motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderwoman Patton moved, seconded by Alderman Lail that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderwoman Patton seconded by Alderman Lail and the motion carried unanimously.

A. Approval to Purchase a CAD, RMS, and Message Switch Server from OSSI in the Amount of \$123,419. (First Reading Vote: Unanimous)

B. Budget Ordinance Amendment Number 1. (First Reading Vote: Unanimous)

C. Approval to Purchase .890 Acres Located at 1352 12th Avenue NE, Hickory, PIN 3713-14-43-2647 in the Amount of \$100,000. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Meisner moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Meisner seconded by Alderwoman Patton and the motion carried unanimously.

A. Approved the Issuance of a Pyrotechnic Display Permit to Hickory Crawdads.

Mark Seaman, General Manager of the Hickory Crawdads has submitted a request to obtain permission to have a public fireworks display on the following dates: September 11, 2015 with the rain date of September 12, 2015.

The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.

B. Approved the Issuance of a Pyrotechnic Display Permit to Hickory Motor Speedway.

Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on the following 2015 dates: August 15, 2015 and September 7, 2015.

The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.

- C. Approved on First Reading an Annual Maintenance Agreement with Grayson Fitness Repair and Maintenance, Inc.

Since 2003 the City of Hickory Fire Department has deployed a series of physical fitness equipment. The department has had an annual preventive maintenance program since 2003 for the equipment in order to keep the equipment operational. Staff requests acceptance of a proposal from Grayson Fitness Repair & Maintenance Inc. to continue the quarterly service necessary to maintain the exercise equipment. The service agreement provides quarterly service to each piece of fitness equipment that is located at each of the fire stations. Staff recommends approval of the exercise equipment preventive maintenance agreement.

- D. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$5,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- E. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$8,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- F. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$2,694 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- G. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a one free sanitary sewer service connection in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- H. Approved Six Days of Vacation Time as Incentive Prizes for Participation in the Annual United Way Campaign.

The United Way Campaign Committee requests six days of vacation time to be used as prizes for participation in the annual United Way Campaign, which will be held in August

2015. The City is a strong supporter of United Way since they play an important and critical role in our community. We use our campaign to educate the City's workforce about the various programs and services United Way provides, and also to provide an easy way to make a donation. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the campaign.

- I. Approved on First Reading Acceptance of Bid and Award of Construction Contract with Hickory Sand Company, Inc. in the Amount of \$154,500 for the Construction of the NC Highway 64-90 Waterline Project.

The NC Highway 64-90 waterline project consist of installing approximately 5,200 – linear foot of new 8-inch PVC waterlines, five new fire hydrants and other customary appurtenances in a previously unserved area. This project is intended to provide improved fire protection for Ellendale Elementary School and provide water service to customers along the line. Staff evaluated the bid packages and found Hickory Sand Company, Inc. to be the lowest responsible bidder. This is proposed to be funded as a component of the Public Utilities Department operating budget in the reimbursable materials line with funds already received from Alexander County Government. Staff recommends Council's acceptance and award of the project to Hickory Sand Company, Inc. in the amount of \$154,500 for the construction of the NC Highway 64-90 waterline project.

- J. Approved on First Reading a Renewal Agreement between the Western Piedmont Council of Governments (WPCOG) and the City of Hickory to Support the Western Piedmont Stormwater Partnership for Phase II Public Education.

The City was issued an NPDES Phase II Stormwater Permit by the North Carolina Department of Environment and Natural Resources on July 1, 2005. One of the requirements of the permit in the Public Education and Outreach Minimum Measure is that the City develop and implement a public education and outreach program to raise public awareness on the causes and impacts of stormwater pollution. This renewal agreement is the result of the establishment of a regionally focused and municipally supported Phase II public education and outreach coalition, the Western Piedmont Stormwater Partnership, which is administered by the WPCOG. The activities in this agreement will meet the public education and outreach minimum measures of this section of the NPDES Phase II Permit.

This agreement would be for the period July 1, 2015 through June 30, 2016. Payment would be in quarterly installments of \$2,758.25. Funding for this agreement is available from the current stormwater budget. Staff recommends Council's approval of the renewal agreement with WPCOG for an amount not to exceed \$11,033.

- K. Approved on First Reading a Contract to Kercher Engineering, Inc. in the amount of \$57,375 for Pavement Management Study to Prioritize the Condition of Streets in the City of Hickory to better optimize the Resurfacing Schedule and Maintenance Operations.

City Staff requested qualifications from firms, interviewed and selected the most qualified firm to meet the City's pavement condition needs. The last pavement condition assessment was done in 2007. This condition study is a vital tool that not only rates the streets with a numerical value, but also allows for the Street Department to plan needed maintenance for several years. The benefits of this study will provide the City with an outside professional source to provide data that will give us the tools to provide our citizens with the best use of our resurfacing funds and maximize the results of our street maintenance program. Staff recommends approval of the contract with Kercher Engineering, Inc. in the amount of \$57,375.

- L. Approved on First Reading Awarding the Resurfacing Contract Utilizing Federal Funds to Maymead, Inc. for Asphalt Resurfacing.

Staff prepared formal bid documents for an estimated 2,660 tons of asphalt surface course in-place and 4,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be paid on an in-place unit price basis as the Community Development Block Grant (CDBG) budget allows. Resurfacing under this contract will be performed in the CDBG eligible funding areas. Maymead, Inc. was the responsible responsive low bidder at the unit price of \$52 per ton for S9.5A asphalt surface, \$52 per ton for S9.5B asphalt surface, \$52 per ton for S4.75A asphalt surface, \$595 per ton for binder and \$4.75 per square yard for asphalt milling for the pavement resurfacing project. Currently there is \$75,000 in the CDBG Public Infrastructure line item. Unbudgeted program income may be added if it becomes available over the FY15-16 year. Staff recommends approval of the resurfacing contract utilizing federal funds be awarded to Maymead, Inc.

- M. Approved on First Reading Awarding a Contract to J.T. Russell & Sons, Inc. for Asphalt Resurfacing for FY 15/16.

Staff prepared formal bid documents for an estimated 10,650 tons of asphalt surface course in-place and 9,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be on an in-place unit price basis as the resurfacing budget allows. J.T. Russell & Sons, Inc. was the responsible responsive low bidder at the unit price of \$50.50 per ton for S9.5A asphalt surface, \$50 per ton for S9.5B asphalt surface, \$56 per ton for S4.75A asphalt surface, \$536 per ton for binder and \$7 per square yard for asphalt milling for the pavement resurfacing project. Total bid amount of \$919,900 (\$459,950 for the Fall 2015 schedule and \$459,950 for the Spring 2016 schedule). Funds are budgeted in the Street Division's FY15-16 budget. Staff recommends approval of the resurfacing contract with J.T. Russell & Sons, Inc.

- N. Adopted a Resolution to Reaffirm City Council's Support of the Deidra Lackey Memorial Park Project.

Staff requests Council to consider the Resolution declaring the City's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project. The memorial park facilities would be a gift to the City of Hickory and the public. In addition, based on its location the memorial park would serve as an enhanced entry point to the proposed river walk. Council has previously expressed support for the project and the proposed resolution reaffirms Council's support for the project. Staff recommends Council adopt the Resolution declaring City Council's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project.

RESOLUTION NO. 15-22
RESOLUTION OF SUPPORT

A Resolution Declaring the Intention of the City Council of the City of Hickory to Reaffirm Their Continued Support and Approval of the Deidra Lackey Memorial Park Project to be Located at the City of Hickory's Rotary-Geitner Park

WHEREAS, the City of Hickory owns and operates a number of city parks and recreational facilities, including the Rotary-Geitner Park ("Geitner Park"), to provide multiple recreational opportunities to the public; and

WHEREAS, Robert Lackey, a citizen of Hickory, desires to memorialize his late wife, Deidra Lackey, by constructing a waterfront memorial park, which will include certain facilities, gardens, and other amenities, on certain tracts located in Geitner Park; and

WHEREAS, Mr. Lackey will construct the memorial park facilities as a gift to the City of Hickory and the public; and

WHEREAS, Mr. Lackey also desires to continue partnering with the City in the expansion, operation, and maintenance of the memorial park facilities; and

WHEREAS, City staff and Mr. Lackey presented his proposal to the Hickory City Council ("Council") at its August 20, 2013 meeting; and

WHEREAS, upon hearing the presentation, Council unanimously voted for the proposed project to go forward thus expressing Council's commitment and support of Mr. Lackey's intent to benefit the City of Hickory and the public with this valuable gift; and

WHEREAS, a joint City Council and Parks and Recreation meeting was held on May 12, 2015. Following presentations and discussions concerning the conceptual site plan for the memorial park, an introduction to the agreements required for the project, and the city's partnership with Mr. Lackey, the Council unanimously voted to approve the conceptual site plan as presented; and

WHEREAS, at a special called meeting on June 22, 2015, Council participated in an extensive review of drafts of three proposed agreements for the memorial park project and Council expressed general consensus that they looked forward to the great partnership with Mr. Lackey.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that:

1. The Hickory City Council reaffirms its continued support of Mr. Lackey intention to construct a memorial park at Geitner Park to honor his late wife and as a gift to the City and the public.
2. Council further reaffirms its support for Mr. Lackey to move forward with the detailed design plans for the project.
3. Council further acknowledges that Mr. Lackey and the City will memorialize their mutual support of the memorial park project by executing formal documents, and

more specifically Grant/Construction Easement, Conservancy, and Burial Agreements, in the near future. These agreements will delineate the specific rights and responsibilities of the respective parties.

- O. Approved on First Reading Grant Project Ordinance Amendment Number 1.

ORDINANCE NO. 15-35
GRANT PROJECT ORDINANCE AMENDMENT NUMBER 1

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the grant project ordinance for the duration of the project.

SECTION 1. To amend the Grant Project Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Project – General Fund	836,563	6,563
TOTAL	836,563	6,563

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue (Federal)	664,000	-
Other Financing Sources	166,000	-
TOTAL	830,000	-

SECTION 2. Copies of the grant project ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- P. Approved on First Reading Budget Ordinance Amendment Number 2.

ORDINANCE NO. 15-36
BUDGET ORDINANCE AMENDMENT NUMBER 2

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2016.

SECTION 1. To amend the General Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	900,000	-
TOTAL	900,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
TOTAL	900,000	-

SECTION 2. To amend the Transportation Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	900,000	-
TOTAL	900,000	0

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
TOTAL	900,000	0

SECTION 3. To amend the Capital Reserve Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	166,000	-
TOTAL	166,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	166,000	-
TOTAL	166,000	-

SECTION 4. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of 2.001 Acres Located at 2191 13th Avenue Drive SE.

Burgin-Hickory Properties, LLC submitted a petition for the voluntary contiguous annexation of 2.001 acres of property located at 2191 13th Avenue Drive SE. The annexation area consists of a commercial development site, which is the proposed future location of a Sheetz retail facility. The owners of the property are seeking annexation in order to obtain utility services (water and sewer) for a commercial development site. The property is currently located within the City's extra-territorial jurisdictional area (ETJ) and is zoned Regional Commercial (C-3). Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the voluntary annexation petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 17, 2015.

Assistant City Manager Andrea Surratt asked the City's Planning Director, Mr. Brian Frazier to the podium to present Council with a voluntary contiguous annexation of 2.001 acres located at 2191 13th Avenue Drive SE, which is a frontage road just off of McDonald Parkway south of I-40.

Planning Director Mr. Brian Frazier advised Council of the voluntary contiguous annexation. The applicant was Burgin-Hickory Properties, LLC for the property located at 2191 13th Avenue Drive SE, which is off of McDonald Parkway behind the plaza that houses Petco and Ross Dress for Less. Heading southward, turn right, and this would be the first property on the right. It is currently vacant. He showed a PowerPoint presentation and showed the current value of the property. The future development is for an approximate 6,900 Sheetz gasoline station and convenient store. The estimated construction cost is four million dollars. The annexation was being requested to obtain connection to the City's existing water and sewer systems. He pointed out on the PowerPoint the location of the property at McDonald Parkway. He pointed out the current properties located within the ETJ and the current existing city limits. He showed an aerial ortho view pointing out McDonald Parkway running north and south, the area of the subject property, the Corning facility, Valley Corner shopping center, which is catty-corner across McDonald Parkway from the Bob Evans Restaurant. The current land use is regional commercial and the surrounding area to the right is industrial. The voluntary annexation petition complies with all applicable annexation statutes for the State of North Carolina. Adequate public services, water, sewer, police, and fire protection, are all available. Regarding annexation of the property, Staff did not believe that would cause the available services to fall below their current acceptable levels. Based on these findings Staff recommended approval of the requested annexation to Council.

Alderman Meisner asked if there was any ongoing work to open up 13th.

Mr. Frazier commented not that he was aware of. That may be a question better directed to Mr. Chuck Hansen. To his knowledge he had not heard anything about it in quite an amount of time.

Mayor Wright advised that Mr. Hansen shook his head. He commented that they all would like to see something happen there.

Mayor Wright explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor to the proposal. No one appeared. Mayor Wright closed the public hearing.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of the Voluntary Contiguous Annexation of 2.001 acres located at 2191 13th Avenue Drive SE. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Zagaroli and the motion carried unanimously.

ANNEXATION ORDINANCE NO. 430
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Burgin-Hickory Properties, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO GENERAL STATUTES 160A-31, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory has been petitioned under G.S. 160A-31, as amended, to annex the area herein described; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building at 7:00 p.m. on the 4th day of August, 2015, after due notice by publication on July 17, 2015; and

WHEREAS, the City Council does find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following-described territory is hereby annexed and made a part of the City of Hickory as of August 31, 2015

CONTIGUOUS ANNEXATION
BY THE CITY OF HICKORY
KNOWN AS:
BURGIN – HICKORY PROPERTIES, LLC

That certain parcel or tract of land lying and being about 3.2 miles east southeast of the center of the City of Hickory. Bounded on the north by the south right-of-way line of Interstate 40 exit ramp and existing City of Hickory city limits line as shown in Plat Book 40 at Page 84, on the east by the west right-of-way line of McDonald Parkway and existing City of Hickory city limits line as shown in Plat Book 51 at Page 11, on the south by the north right-of-way line of 13th Avenue Drive SE and existing City of Hickory city limits line as shown in Plat Book 72 at Page 101, and on the west by other lands of Burgin – Hickory Properties, LLC as shown in Plat Book 74 at Page 196 and more particularly described as follows to/wit:

Beginning at a R/W disk in the south right-of-way line of Interstate 40 exit ramp and in the existing City of Hickory city limits line as shown in P.B. 40 at Pg. 84, said R/W disk having North Carolina Grid Coordinates of N 720,122.177, E 1,328,377.771 (NAD 83) and running thence, as the west right-of-way line of McDonald Parkway and existing City of Hickory city limits line as shown in P.B. 51 at Pg. 11, the following calls: South 04 degrees 55 minutes 19 seconds East 197.51 feet to a R/W disk in said city limits line, thence South 12 degrees 09 minutes 45 seconds West 186.18 feet to a R/W disk in the north right-of-way line of 13th Avenue Drive SE and existing City of Hickory city limits line as shown in P.B. 72 at Pg.101; thence, as said city limits line, North 64 degrees 26 minutes 07 seconds West 307.50 feet to a 0.04' rebar in said city limits line; thence, a new City of Hickory city limits line, North 25 degrees 33 minutes 53 seconds East 337.60 feet to a 0.04' rebar in the south right-of-way line of Interstate 40 exit ramp and existing City of Hickory city limits line as shown in P.B. 40 at Pg. 84; thence, as said city limits line, South 69 degrees 12 minutes 36 seconds East 164.71 feet to the beginning. Containing 2.001 acres more or less.

Section 2. Upon and after the 31st day of August, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-31 (e), as amended.

Section 3. That the newly annexed territory described hereinabove shall become a part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Section 5. That all ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after the 31st day of August, 2015.

2. Approved on First Reading Designating the Whisnant Hosiery Mills Complex as a Local Historic Landmark.

The Whisnant Hosiery Mills complex located at 74 8th Street SE was built in 1929 with significant expansions in 1937 and 1966. The complex serves as a reminder of the pivotal role that the hosiery industry played in the development of the City of Hickory. The property is now known as Moretz Mill and has recently undergone an extensive rehabilitation. The owners of the property have requested that the property be designated as a local historic landmark. The property has been listed on the National Register of Historic Places since 2013. If the property is designated as a local historic landmark all changes to the exterior of the building and site would need approval from the Hickory Historic Preservation Commission. If designated, there would be a 50 percent deferral on all property taxes provided that property maintains its historic integrity. Staff recommends Council approve the local landmark designation ordinance for the Whisnant Hosiery Mills property.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 24, 2015.

Mrs. Surratt advised Council that the public hearing was for the consideration of designating what is commonly known as the Moretz Mill, formerly known as the Whisnant Hosiery Mills complex, as a local historic landmark. She asked the City's Community Development Manager, Mr. Dave Leonetti to the podium to present that item to Council.

Community Development Manager Mr. Dave Leonetti presented Council with a PowerPoint presentation for the local historic landmark designation of Whisnant Hosiery Mill. He advised Council that their agenda contained a lot more information about the property in terms of photos, additional architectural and historical descriptions, in both the Local Designation Report and the previous National Register Designation Report that was completed approximately two years ago. The building was located at 74 8th Street SE, just south of Hollar Hosiery Mill and the railroad tracks. It was constructed in 1929 with significant expansions in 1937 and 1966. It was operated as a hosiery mill and a warehouse, before being vacant for quite a while and there was some storage in there as well. In recent years it had been revitalized and rehabilitated extensively into an event facility, a number of office and personal service uses, including a large logistic technology company that is in the process of going into the older portion of the building. By 1938 the mill had the capacity to produce 3500 dozen pair of men socks per day. The second largest producer of all of the mills in Hickory. The only mill that had a larger capacity at the time was the Elliott Knitting Mill. The Whisnant Hosiery Mill actually employed more people than the Elliott Knitting Mill which was the property just north of the Lyerly Mill where the parking lot for the new Transportation Insight was built. The 1966 addition symbolized the height of the hosiery industry in Hickory. The building at that point was a showplace of hosiery manufacturing facilities. He showed photographs of the building pointing out the north side of the building. He pointed out the images along 7th Street and 8th Street. He advised during some of the rehabilitation that some windows were added to the north side to allow light to go into the gym section of the building. The south side of the building is the main entrance where the Vitality Spa, Southeast Retirement Planners, and the event space are located. He showed an image of the renovated version of the original 1929 portion of the building. He pointed out that a lot of the old doors were reproductions, but was restored to look exactly like it did in the 1920's and 1930's. That had been completely covered with the 1966 addition to the building. They put in a new brick façade on that that matched the 1966 version. They brought that back to what it had looked like originally.

Mr. Leonetti discussed the effects of the local landmark designation. He advised that this property is already listed on the National Register of Historic places which is an honorary designation. The Federal governments list of buildings worthy of preservation. That makes the building eligible potentially for Federal, and up until recently, State historic tax credits. The local designation would designate the

property as historic locally and also would confer design authority over exterior changes to the building to the Hickory Historic Preservation Commission. Any changes they make to the exterior would require a Certificate of Appropriateness, either minor or major depending on the level of changes proposed. The other key to this designation is that it defers property taxes on the property by 50 percent as long as the property maintains its historic integrity. He advised that the Ordinance would be sent to Catawba County and they cut the property tax assessment in half. The assessment significance is related to National Register criteria (a), which is the association with historical events that contributed to the City's history. By the mid 1960's Alamance and Catawba County were basically the two biggest hosiery producers in the State. Those two counties actually had more than half of the State's hosiery mills. The integrity of the mill is in very good condition now since it has been rehabilitated. It was fully rehabilitated because it was a tax credit project in association with the Secretary of Interior's standards for rehabilitation of historic properties. That is basically the gold standard that the Federal government uses when looking at historic rehabilitations. The Historic Preservation Commission held a public hearing at their July meeting and they voted unanimously to recommend approval of the designation ordinance. Staff also recommends approval.

Mayor Wright asked if this was permanent.

Mr. Leonetti replied yes sir.

Mayor Wright asked if the owners could come back later and request it be removed from the historic designation.

Mr. Leonetti advised that you can repeal the Ordinance. He commented that would be more of a legal question as to what would actually happen with the property tax deferral in that case, if there hadn't actually been a material change to the building and it was just a decision to repeal the Ordinance.

Mayor Wright declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor to the proposal. No one appeared. Mayor Wright closed the public hearing.

Aldерwoman Patton moved, seconded by Alderman Seaver approval of designating the Whisnant Hosiery Mills Complex located at 74 8th Street SE, as a Local Historic Landmark. The motion carried unanimously.

Mayor Wright announced that the motion was made by Aldерwoman Patton seconded by Alderman Seaver and the motion carried unanimously.

ORDINANCE 15-37
AN ORDINANCE OF THE HICKORY CITY COUNCIL DESIGNATING THE
WHISNANT HOSIERY MILLS LOCATED AT 74 8TH STREET SE AS A LOCAL
HISTORIC LANDMARK.

WHEREAS, North Carolina General Statutes § 160A-400.5 states that the City of Hickory may adopt an ordinance designating a property as a local landmark; and WHEREAS, the City has complied with the required landmark designation procedures of § 160A-400.6 of the North Carolina General Statutes; and

WHEREAS, the Hickory Historic Preservation Commission conducted a public hearing on June 23, 2015 to consider the proposed designation; and

WHEREAS, the Hickory City Council conducted a public hearing on August 4, 2015 to consider the proposed designation; and

WHEREAS, Whisnant Hosiery Mill was constructed in 1929 and remains one of the most lasting reminders of the role that the hosiery industry played in the development of Hickory;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina:

1. That the exterior of the property known as the Whisnant Hosiery Mill is hereby designated a local historic landmark pursuant to Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes.
2. The property subject to this designation is located at 74 8th Street SE. This property is more specifically described GIS PIN 3702-08-99-4831 on the Catawba County Tax Maps.

3. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Hickory Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B and amendments, thereto and hereinafter adopted. The regulations relating to Certificates of Appropriateness are found in the City of Hickory Land Development Code.
4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration; demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is, required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
5. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.
6. That the owners of the property known as the Whisnant Hosiery Mills be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Catawba County Building Services Division, Catawba County Register of Deeds, and the Tax Supervisor as required by law.

B. Departmental Reports:

1. Airport Presentation - Settlement Agreement and Release of Claims.

As a result of a recent mediation effort between the City of Hickory and AGI Associates, LLC and CRA Enterprises, LLC, a settlement agreement was reached that gave back to the City of Hickory full control of remaining facilities at the airport that had been in dispute, specifically the leasehold interest of the Moose Hangar as well as other hangars on the property. The City gained \$2.1 million in the value of hangars and other assets for \$900,000.

Mrs. Surratt asked City Attorney John Crone to address Council regarding the airport presentation and discussion regarding the Settlement Agreement and Release of Claims. She advised that Attorney Frank Newton was also present and would address Council as well.

City Attorney John Crone recapped the events of the mediation that was held on July 13th in Charlotte regarding the parties involved in litigation pertaining to certain airport hangars at the Hickory Airport. AGI, the owner of the leasehold interest in a number of those hangars had brought a lawsuit against the City of Hickory claiming that the City had been unjustly enriched by ousting them from the airport and having them assume loans that were made years ago to entities that were in-charge of the airport at that time. Council had discussed in closed sessions that the funds derived from the loans of the entities of formerly held leasehold interest in the airport were used to construct certain hangars of which the City obviously benefited. The mediation that occurred in Charlotte lasted approximately 12 hours. The parties were AGI, their lawyers and representatives that had filed the lawsuit against the City of Hickory in Federal Court in the Western District of North Carolina. In attendance were Mr. John Crone, Mr. Sam Gorham, Airport Attorney Mr. Frank Newton, Mrs. Andrea Surratt, and Mr. Mick Berry. They were able to resolve the matters involving all of the hangars at the airport, well under their authority to settle that the City gave them in closed session. Even though the Moose Hangar that is owned by CRA was not part of the litigation, certain principles involved in CRA also had an interest in the AGI lawsuit. It was their desire to not resolve anything regarding the hangars unless it included termination of the Moose Hangar lease. Moose Hangar has been vacant for quite some time, although rents had been paid through a couple of months ago. There had been nobody in there and it was in a pretty bad state of repair. The City had gone in and made some repairs. The City has great use for that, and are already using that. In

order to do that the City needed a termination of the outstanding lease. Coincidental with the litigation by AGI against the City of Hickory, the City of Hickory filed an eviction action against CRA in Burke County, where the hangar is located, in an effort to evict them from their lease based on the neglect of the property, and them basically abandoning the property. He asked Mr. Frank Newton, as the Airport Attorney, to go into brief detail about the rational and reasoning behind the settlement and why the Legal team and City Staff feel like that it was a win for the City and in the City's best interest. He also asked him to explain to Council and the public where the funds must come from and how the funds will be paid and allocated, and how the funds will come back to the City.

Airport Attorney Frank Newton addressed Council. He advised that the Airport was built and open for business around 1942. It served as a training base during World War II. The City took it over at the end of the war in a deed from the Federal Government. The City has operated it ever since. Only as of December 12, 2011, did the City really have control of the assets necessary to operate the airport for the benefit of the citizens of Hickory in the way that there was potential to do before, but not the ability. The reason for that was that successive members of the government and Staff of the City of Hickory had, as with many airports across the country, delegated the operation of the commercial services on the airport to private entities. In the course of time, the last of those private entities, Profile Aviation was not able to operate on a profitable bases and went into bankruptcy. It was through that bankruptcy proceeding that the City became the owner, unfettered of any leasehold interest, of all of the properties of the airport. During the mid to late 90's, Profile had constructed four hangars at the airport that were modern hangars built to today's standards. All with the floor space for aircraft of over 12,000 square feet and with four of them having additional office space and maintenance facilities of over 3,000 square feet each. Profile borrowed two million and sixty-six thousand dollars from Royal Bank of Canada to finance those facilities. Pursuant to its leases they were allowed to mortgage its leasehold interest to the bank to secure the repayment of those loans. Before Profile went into bankruptcy it had already defaulted on those loans to the bank, and the bank had sold the notes as well as the security interest to AGI who was the Plaintiff in this lawsuit. AGI's claims were, among others, that the City had been unjustly enriched by the bankruptcy of Profile it did not compensate Royal Bank of Canada, and now AGI for the amount of money it had loaned to build the facilities that the City of Hickory now owns and operates.

Mr. Newton continued, those four hangars are designated as S5, W2, W4, and W5. Hangar S5 is leased to Commscope for \$72,000 per year. Hangar W2 is leased to North Carolina Forestry Service for \$77,000 per year and has an escalating rental on it. W4 is used as a maintenance hangar and as an aircraft storage hangar and it is generating presently about \$50,000 per year. Hangar W5 is leased to the helicopter wing, the air ambulance wing of the Carolina's Medical Center in Hickory, as well as to other aircraft storage. It has a potential of generating over \$76,000 per year. For potential income from those hangars in today's dollars of \$275,000 per year. The City did receive substantial benefit, at no cost, from the failure of Profile by receiving the right to these hangars and the right to operate them for revenue to the City, many years before the Profile lease would have expired. They looked at all of these facts and appraised the values of those hangars in several different ways. They came up with a range of valuations. Council authorized Counsel, Mr. Crone, Mr. Gorham, and Mr. Newton to go into the mediation with authority to settle the matter. The matter was settled for \$900,000. That was \$100,000 less than the authority that was given to Counsel, plus they saved the risk of losing more had they gone to trial, plus the cost of litigation which would have been substantial. He advised that this was a really big deal and a homerun for the City of Hickory. The City now enjoys the opportunity to operate the airport on a revenue self-sufficient basis. There is excellent management from Terry Clark and his Staff out there who are doing all they can do every day to sell as much fuel as possible, and to keep these hangars full of airplanes and to attract more businesses and more airplanes to the airport and to the community.

Mr. Newton referenced Mr. Ivester's previous conversation of the possibility of the City's Airport being the focal point of a community event called a fly-in. For that to happen and to have 300-500 airplanes visit here, they would all have to purchase fuel at the airport. The City of Hickory sells them that fuel. For every gallon of fuels sold at the airport there will be money generated to help pay for the airport. This airport has the potential to operate on a financial sound and surplus basis. Because this airport has over the years, and most recently received Federal funds from the FAA to pay for improvements on the airport, there are strings attached to those dollars. The City is not permitted to take any revenue off of the airport. All the revenue generated off the airport must be used to pay for the cost of the airport, or be kept on the airport in a separate fund. The airport fund would

accumulate capital surplus there for the benefit of the airport and aviation uses. The City is permitted to use taxpayer money into the airport. That has been the practice over many, many years. They think that the potential of taking the airport and these facilities over and operating them on a businesslike basis spells the end for that. They feel that this is an opportunity for the airport to be financially self-sustaining.

Mr. Newton discussed the \$900,000 that would have to be paid for the settlement. That money should come from the airport. However, the airport has not accumulated that \$900,000 in surplus. Mr. Newton proposed that the General Fund make a loan to the Airport Fund of \$900,000. The City should charge the Airport Fund with the cost of the settlement in the amount of \$900,000. The City should cause the Airport Fund to generate a note, payable to the General Fund in the amount of \$900,000, payable over 30 years at an interest rate which is financially feasible. He suggested three percent. On that bases the Airport would generate payments back to the City of approximately \$51,000 per year. Eventually the General Fund would recover the money back, plus interest, and it would be coming back from the airport. He advised that is the only way that the City could take airport revenues into the General Fund, by first loaning the money to the airport. This makes the City financially whole on the basis of the airport, and it puts the airport on a financially sustaining basis. He thinks that it is a really good thing and a big deal.

Alderman Lail questioned the appropriation of the \$900,000 that was on the agenda for second reading. He advised that was just an appropriation, it did not mention a note, or a loan. He asked if the appropriation should be reversed.

Assistant City Manager Rodney Miller advised that Staff could do it administratively.

Mr. Newton mentioned that the ability for the airport to make these payments each year will be dependent upon it being operated as a business, keeping good books so you know what your revenues and expenses are. You can document what the surpluses are and the inter-fund transfers from the Airport Fund to the General Fund. But there is always the possibility in downturns in the economy that there might be years in which the airport doesn't generate a \$51,000 surplus. In that event any deficiency, and this should be written into the note, should be capitalized, rolled into the amount of the note, and then continued to be recovered over time. If it is done that way there is no chance that the City won't get its money back and there is no chance that if the FAA were to audit the City's stewardship of the airport revenues that the City wouldn't be able to document the soundness of what is being done.

Alderman Lail commended Mr. Crone and Mr. Newton for a fabulous job. When you hear lawsuits and settlements, you tend to think that somebody is right and somebody is wrong. So often as occurs in business, and the City is an eighty million dollar business, there is that area, if we had the hindsight maybe we wouldn't have allowed private companies to borrow money and build on the City's airport property. That might have been the right decision at the time. This is definitely the best route to go because that upper limit of the value that was estimated was close to two million dollars.

Mr. Newton advised that the cost of the facilities was two million sixty-six thousand dollars. If the City was building them today, they could not build them for that amount. He appraised them on the basis of a depreciated value of \$1.3 million dollars, but they are really closer to two million dollars or greater.

Mr. Crone commented that Council had received a lot of compliments about the new leadership of the airport and the service out there. Mr. Terry Clark's doors are always open for positive reinforcement or constructive suggestions on how to make the airport better. He stated that the City is very fortunate to have him at the airport. He also said that the City is very fortunate to have Mr. Frank Newton with his knowledge of airports and representation of airports to be on the City's team.

Mr. Newton gave credit to all the City Staff that were so important and supportive of the work of the lawyers and getting them to this point. He included Terry Clark and his Staff, the Finance Department, the Clerk's Office, Deputy City Attorney Arnita Dula, and Assistant City Manager Andrea Surratt. It was a team effort. He commented that Council was the most important part of all.

Mayor Wright pointed out this was not what the City set out to have happen a dozen years ago. The City ended up in a situation where people were not happy with the airport and it was reflecting on the City. It was reflecting poorly on the City to a very important group of people. Council took a step at a time and with the leadership of Mr. Crone, Mr. Gorham, Mr. Newton, and Mr. Terry Clark and Staff,

we now how have an airport which is the envy of other places. He doesn't ever hear anything except compliments about the job being done out there. There was a time when somebody brought up the airport that he knew he was going to get beat-up.

Alderman Lail commented that it closes a door on a chapter of the airport and a new door is opening. That is the financial viability and movement of the airport forward.

Mayor Wright stated that it is a good chance to discuss closed session matters and open matters. He advised that when Council went into closed session last week that he said that there would probably be some action taken at the end of the meeting. Staff could not negotiate with them if Council was telling everyone what their position was in open session. Council discusses with Attorney's in closed session about what the City's position is and what they are willing to do. Once the decision is made and they are ready to announce it, they want to announce it that moment and not a minute later. They came back in to open session to accept the Resolution and that became a public record at that very moment. He advised that this presentation was not necessary, except to make sure that citizens don't think that Council did something by cover of darkness and tried not to talk about it. He is very pleased with the settlement and that Council handled it in the right way. He thanked Mr. Newton.

Mrs. Surratt advised that Mr. Mick Berry was not present tonight, but extremely instrumental in that entire process. She thanked Mr. Berry.

2. Information Presentation – Proposed Changes to Chapter 4 (Animal and Fowl) Ordinance.

The City of Hickory approves organizations to use public property to host events for the public. Over the years, citizens and staff have expressed concerns about animals being allowed at these events due to public safety concerns for the citizens and animals attending the event. City Staff to include, Legal, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to Chapter 4 (Animal and Fowl) Ordinance restricting animals within the "footprint" of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a human or another animal, and to ensure the appropriate public health and sanitation of food and surrounding areas. Staff requests City Council's feedback in order to precede with any changes to Chapter 4 (Animal and Fowl) Ordinance that would restrict animals from approved special events on public property.

Mrs. Surratt asked the City's Police Chief Tom Adkins to the podium to present Council with proposed changes to Chapter 4, Animal and Fowl Ordinance.

Chief of Police Tom Adkins advised Council this would be an informational presentation. The Police Department, Legal Department, Parks and Recreation, the Brand Manager, and Public Information Office are all working together to try to come up with a proposed Ordinance that would allow restrictions of animals at a special event on City property. When an entity comes to the City and wants to have an event on City property they fill out a special events application. In that special events application they have to do a diagram or a "footprint" of where they are going to hold the event. A lot of these events are held on Union Square. He showed a PowerPoint presentation giving some examples of special event applications that had been filed. Council approves the use of City property for these events. Other areas might be the SALT Block, or the steps at City Hall. There are also events that are sponsored by the City's Parks and Recreation Department, the Bark Bash and the Wolfe Walk. This Ordinance would not apply to any events that are sponsored by the City themselves and held on City property.

Chief Adkins discussed why the City needs the restriction which was for public safety. The City does not want to have an animal situation on Union Square where a person gets bitten by an animal. We do not want another animal biting another animal at the event. The City has a leash law, so the folks that have these animal's downtown, i.e. dogs, cats, snakes, etc., leashes can be trip hazards for folks attending events. The second item of concern was public health. Chief Adkins had spoken with Mr. Doug Umland from the Catawba County Department of Public Health and discussed animal waste on the property itself. These animals would expel waste on the footprint of the properties. Mr. Umland's main concern was the animal bites. If an animal would bite another animal and or a person they would have to be quarantined for 10 days, which would have to be run through the Animal Shelter themselves. The animal would have to be quarantined to make sure that they have the proper rabies vaccinations, and that they are not exhibiting

any type of behavior that would be associated with having rabies. If that was to happen the person bitten would have to go through a series of shots. Mr. Urland's main focus was the rabies vaccination. The waste themselves, dog's mark their territory, and have marked their territory on vendor's products and displays. Mr. Urland's also discussed outside dining with Chief Adkins. The restriction of outside dining had loosened up a lot over the years. You see more and more animals in the outside dining areas. Mr. Urland gets calls of animals that are in those areas. Chief Adkins commented about his experience at a restaurant where this was an outside patio and there was two different patrons with three dogs. Everything was fine until those animals got close to each other, then they had to be separated and had to use separate exits to get out. That is the main thing. Animals may be great around humans, but they may get aggressive when they are put together. Event sponsors themselves have requested the restrictions. The Farmer's Market has done the restriction on their own. Waste being put on the product themselves has caused them to restrict citizens inside that footprint area.

Chief Adkins showed the definition of an animal on his PowerPoint presentation. He advised mainly dogs, but there could be cats, livestock, birds, snakes. There would be exceptions to the Ordinance if adopted. Service animals as defined by the Americans with Disability Act (ADA) would be exempt from this Ordinance. Animals that are part of the event, parade or exhibit. If there is a parade through the downtown footprint of an event those would be exempt. If the event themselves had a petting zoo that would be exempt from this Ordinance. Animals controlled by Public Safety would also be exempt. Animals for hire, there is business downtown that has carriage rides that would be exempt from this footprint. The event themselves could apply for a waiver from of this Ordinance, which would obviously be approved by Council. If that was the case then the event sponsor would be asked to have the appropriate amount of liability insurance coverage if an event would happen to a patron or an animal.

Chief Adkins addressed enforcement of the Ordinance if adopted. He advised that they would educate the public. We have had animals in the downtown area and citizens have become accustomed to that. The events themselves could advertise through their flyers to mention the passing of the Ordinance if adopted, and get the word out to anyone that would seek that event. Police officers would take a community policing approach and inform citizens that an Ordinance had been passed and ask them to remove their animal from the footprint of the area. As a last resort they could cite a person for refusing to take an animal from the footprint area. That could be a civil or a criminal citation. Of all of those Chief Adkins felt that most people would cooperate and leave the area. He discussed areas with similar ordinances, which were Apex, Morganton, and Asheville. They have similar type ordinances that talk about special events on their city property.

Chief Adkins discussed the next steps. Staff would like feedback from Council and if advised to move forward Staff would request City Council to call for a public hearing on the next Council meeting of August 18th. If Council moves forward with this Ordinance, the Public Information Office has organized two public presentations that would be held on August 11th and 13th. Those target audiences being the veterinary services, services that cater to the pet population, and have those citizens, and any others talk through some of the Ordinance and provide Council with feedback that they may have during those two informational sessions. Then a public hearing could be scheduled for August 18th if Council so desired. So others would have an opportunity for input on the Ordinance.

Alderman Zagaroli asked about the footprint that Chief Adkins was suggesting.

Chief Adkins advised that would be whatever the event applicant put as a footprint. He used the Farmer's Market for an example. It is usually Under the Sails, so if somebody was walking in front of the Tap Room that is not actually in the footprint of the event itself. Each applicant provides the City an area where they want to use City property. The Oktoberfest uses across the tracks, Government Avenue all the way down to North Center Street, 3rd Street and 2nd Avenue NW. That would be the footprint area for that event. Each event would have a different one. If they have an event at the SALT Block in the grassy area, anybody walking around the Library may not be in that footprint. The officers that are working would know where that footprint would be and event staff would know as well.

Alderman Lail commented that the City has allowed the Farmer's Market to exclude animals from that event.

Chief Adkins commented that they have asked animals not to come into the Farmer's Market.

Alderman Lail commented so they are self-governing that. He questioned if it would be possible for the event organizers, as part of the special event, indicate that generally animals are allowed unless the event organizer says we do not want animals at the event.

Chief Adkins advised that would depend more on what the City is trying to accomplish. If you take the animal out of the equation then the public safety issue is definitely there.

Alderman Lail commented that currently in the City's Ordinance animals are required to be on leash and they are required to be under the control of the owner at all times. He asked if there was issues with people that have animals that are not under control.

Chief Adkins responded that most of time they have animals that get aggressive towards other animals. You have children approaching animals. He advised that he wasn't aware of a bite, but we don't want to have a bite.

Alderwoman Patton commented that they did have issues at the Farmer's Market with animals.

Alderman Lail commented that he could certainly see in crowded places that it would not make sense to have animals within crowded places, like Oktoberfest.

Alderwoman Patton commented that people bring their animals.

Alderman Lail the leash tripping and knocking people over is a big of hazard as anything.

Mayor Wright commented or falling yourself.

Alderman Meisner commented that it is definitely overdue and there had been some close scares. This is just preventative policing.

Mayor Wright asked if August 18th was too soon for the public hearing.

Alderman Lail requested to see the language to the Ordinance prior to Council calling for the public hearing.

Mrs. Surratt advised Council that there would be a process to advertise and to present it to Council in the form of an Ordinance Amendment. She advised that Staff would follow those steps and possibly bring it to Council at the first meeting in September. Unless Council is ready to call for the public hearing tonight.

Alderwoman Patton requested to have the language to review before calling for the public hearing in case they have questions.

Mayor Wright didn't want to move to fast on the issue.

Mrs. Surratt advised that Staff would bring the Ordinance language back to Council on August 18th, and advertise accordingly for a future public hearing.

3. Update from Bond Implementation Commission on Bond Projects

Mrs. Surratt updated City Council on the Bond Implementation Commission's bond projects. She presented a PowerPoint presentation. She advised that their activities had been significant over the summer and they have been working with the Bond Consultants, Freese Nichols to begin developing cost estimates and conceptual plans for some of the projects related to the bond program. There is a lot more work to be done. She advised this was just base information to start developing cost estimates and were not in any way final drawings or recommendations. She went back to the Inspiring Spaces Plan noting that everything related to the Bond Referendum, minus the 1764 Park, had been recommended through Inspiring Spaces as a part of improvements to the area, and to improve the economic development opportunity of Hickory. Identified were the areas that need to be upgraded which included the city-walk, river-walk, five gateways and seven streetscapes. The Bond Commission worked on that list and are starting to develop cost estimates for those projects. That information will be brought to Council in January/February of 2016. They have begun to gather data to develop the plan for the river-walk. They selected the river-walk because they heard the most information about the significance of that project. They did not have the cost estimates and the conceptual plans ready, so it became the first one "out of the gate". She advised that the consultants had done a lot of investigative work and had walked the entire length of the river-walk from the 321 bridge to

Geitner Park. They did a great deal of inventorying the terrain and the facilities there. There are some competing uses in that area, of not least is the Water Treatment Plant. There will be some things to work around and with. There are also some Park Facilities in that area. There are some opportunities in that area that can be expanded upon and make the river-walk a part of. That included the greenway that is currently there, Boy Scout cabin, existing bike trails, plus the work being done by the Lackey family at the Rotary-Geitner Park.

Mrs. Surratt commented that the Bond Commission is thinking big and are looking at other greenway examples across the country. Mrs. Surratt showed images of other greenways. They are thinking about types of greenways that are along a river or along a body of water, or that might be built into a hillside. She advised that those scenarios are what we are dealing with along the river-walk. There might be hard structure. It is not easy to put a graveled or paved path along that river-walk area. It is wooded up to the shore. The Commission has started working on a conceptual plan. They have done some brainstorming with the River-walk Subcommittee. They want to make sure they focus on how that area looks as a gateway into Hickory, Catawba County, from Caldwell County along the bridge. Making that area a destination regionally, and also a gateway and a real iconic point of interest for our community. She showed the draft conceptual plan, which was just the first pass, but it is a place to start. She advised that the information was located on the City's website on the bond page. She pointed out the existing bike trail and greenway connection and the footprint of the Lackey Project. It connects the greenway to the existing bike trail and those Improvements will coordinate together. The river-walk itself was shown right at the river's edge. She advised that there are three areas that would be scenic overlooks along the river-walk. It is anticipated to be a decking material, and maybe some concrete, a hardened surface to be utilized. She pointed out the footprint of the facilities at the Water Treatment Plant. She advised that there were some limitations on how close that we can get to those facilities and crowd them up with people. They identified those areas as separate, and identified some access points in and around those facilities that want be a problem for the day to day operation of the Treatment Plant. She showed sketches of how the river-walk might look. The impression from the River-walk Subcommittee was they want to be close to the water, a connection with the water and save as many trees as possible. A combination of decking, like a composite decking and concrete would be the preferred path. She showed examples. A lot of thought needs to go into lighting, landscaping, fencing, benches and safety. The Subcommittee is working quite a bit on those details. They are gathering all of that information, and coming up with a sketch. There will be a future full design of plans that will be done by another company later on to get to the final construction drawings and something that is ready to be built. She reiterated that this is the data gathering in order to identify the cost for the project. She showed a rendering from a landscape architect that works for Freese Nichols. She pointed out the elevation of the land in that area. You are going straight uphill, it is heavily wooded, and the river-walk would be closer to the water.

Mrs. Surratt advised that the contract with Freese Nichols identified point "A" to point "B", Geitner Park to 321 bridge, but there is also a future section beyond the 321 bridge toward the baseball stadium that is not addressed and might have different uses. There might be an eventual third connection that might occur along the railroad right of way or Old Lenoir Road connecting down to city-walk. She advised that was not included in the presentation and was not being considered. She showed another image showing the combination of the concrete and the decking. She commented that a serious mountain biker might still want to be up in the woods doing mountain biking on those trails. The image was more of a boardwalk/walkway, runners, joggers, and people with pets. You would not want a lot of heavy duty biking to compete with the pedestrians. It would be more of a 10-12 foot wide path.

Mrs. Surratt commented that there was a YouTube video of the river area so people could see that it is densely wooded, and very steep. She advised Council of the next Subcommittee meetings for the Bond Commission which were on August 24th and 25th. August 24th at 8:30 a.m., River-walk and at 5:00 p.m. City-walk. August 25th at 5:00 p.m. Streetscapes and Gateways. Those meeting will be to focus on supplemental funding. Mrs. Surratt commented on Jessica Martin-Lane, with Martin-McGill, who has significant resources for grant writing. They wrote the City's Tiger Grant. Part of their work is to keep the City thinking about public/private partnerships and other grants to go after. The Subcommittee will receive the numbers for the river-walk concept at the meeting on August 24th as a place to start.

Alderman Lail commented as we enter into this process, one of the recommendations from Inspiring Spaces was that the river-walk would be visually

inspiring and impressive coming south from Caldwell County into Hickory. You would know that you are arriving somewhere. Hopefully the Committee can begin to wrap their heads around that. What does that look like? This is a great piece to have the trail along there, but he doesn't see it as the end game by any means.

Alderman Seaver commented that he was sure there would be some development wanting to come in there along that walk, but with the steep area he didn't know how much you could do.

Alderman Lail commented that maybe the terrain could be used as an advantage to show it off.

Mayor Wright commented that we certainly need to have some spectacular lighting so that at night it would really stand out.

Alderman Seaver stated that if the bridge is nicely done, it would be like you are coming in for a landing there into Hickory. The understanding is the bridge is going to be higher up. We might could even keep a lower bridge for pedestrians.

Mrs. Surratt advised Council that she would take back Council's comments and suggestions to the Commission.

4. Appointments to Boards and Commissions

CATAWBA COUNTY ECONOMIC DEVELOPMENT BOARD OF DIRECTORS FOR HICKORY

(Terms Expiring 6-30; 3-Year Terms with Unlimited Appointments) (Appointed by City Council)

Position One Gary Garvey and Stephen Shuford have expressed interest

Mayor Wright nominated Stephen Shuford to the Catawba County Economic Development Board of Directors for Hickory.

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large Bert Showfety declined appointment 7-20-2015

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Caucasian VACANT

Other Minority VACANT

Other Minority VACANT

Alderman Patton nominated Sandi Fotheringham to Community Relations Council, Caucasian Representative.

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Burke County (Mayor to Nominate) VACANT Since 8-6-2008

Brookford (Mayor to Nominate) VACANT Since 6-2006

Catawba County (Mayor to Nominate) Oscar Vasquez
(Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (3) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)

(10) Positions VACANT

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 1 VACANT

Ward 3 VACANT

Alderman Lail nominated Barbara De La Garza to Library Advisory Board, Ward 1 Representative.

Alderman Seaver nominated Joy Tilton to Library Advisory Board, Ward 3 Representative.

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large Minority VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT
At-Large (Mayor Nominates) VACANT

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large VACANT

Alderman Seaver nominated Mary-Margaret Baker to University City Commission,
At-Large Representative.

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Hickory Career Arts Magnet VACANT

Alderman Seaver moved seconded by Alderwoman Patton approval of the above
nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business
Nature

Alderman Seaver wished Bob Vollinger a Happy 53rd Anniversary.

Alderman Zagaroli acknowledged Alderman Meisner's 32nd anniversary serving on City Council.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys
regarding the following: (Action on these items, if any, will occur in Open Session)

Alderman Guess moved that Council go into closed session to consult with the attorneys to discuss
the items below, seconded by Alderman Seaver. The motion carried unanimously.

1. Approval of Closed Session Minutes of June 16, 2015 - NCGS §143-318.11(a)(1)

2. Approval of Closed Session Minutes of June 22, 2015 - NCGS §143-318.11(a)(1)

3. Approval of Closed Session Minutes of July, 14, 2015 - NCGS §143-318.11(a)(1)

4. Discuss Potential Litigations - NCGS §143-318.11(a)(3)

No action was taken upon return to open session.

XIV. There being no further business, the meeting adjourned at 9:56 p.m.

Mayor

City Clerk